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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,783	08/18/2000	Hirotsugu Kawada	2000-1134A	7347

7590 07/27/2005

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EXAMINER
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DADA, BEEMNET W

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



# Office Action Summary

Application No.

09/640,783

Applicant(s)

KAWADA ET AL.

Examiner

Beemnet W. Dada

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3 is/are rejected.
- 7) ☒ Claim(s) 2, 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_



### DETAILED ACTION

1. This office action is in reply to an amendment filed on May 09, 2005. Claim 1 has been amended and claims 5-36 have been cancelled. Claims 1-4 are pending.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueda et al. US Patent 6,289,102 B1 (hereinafter Ueda) in view of Aizawa US Patent 5,646,993.

4. As per claim 1, Ueda teaches a data player for reading contents encrypted by a decoding key from a digital medium, and playing the encrypted content by using the decoding key which is stored in a key storage unit, said data player comprising:

key obtaining means for performing mutual authentication with the key storage unit to obtain the decoding key stored in the key storage unit [column 17, lines 10-24 and column 19, lines 1-15];

key holding means for holding the decoding key [column 19, lines 15-30];

playback state obtaining means for monitoring the playback state of the digital medium [column 9, lines 64 – column 10, lines 5 and column 12, lines 36-47];



content s decoding means for decoding the encrypted contents by using the decoding key [column 19, lines 37-50];

wherein the decoding key is obtained by the key obtaining means and stored in the key holding means [column 19, lines 15-30, 37-50], the encrypted contents read from the digital medium is decoded with the decoding key by the contents decoding means to play the contents [column 19, lines 37-50]. Ueda does not explicitly teach discarding a decoding key. However Aizawa teaches an information reproducing method and apparatus [column 3, lines 40-54] including erasing decoding keys after information has been produced [column 5, lines 12-38]. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to employ the teachings of Aizawa within the system of Ueda in order to further enhance the security of the system.

5. As per claim 3, the combination of Ueda and Aizawa teaches the player as applied above. Furthermore, Ueda teaches the player wherein said digital medium is a DVD [column 1, lines 39-50].

#### ***Allowable Subject Matter***

6. Claims 2 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

7. Applicant's arguments filed May 09, 2005 with respect to claims 1 has been fully considered but they are not persuasive. Applicant argues that the combination of Ueda and Aizawa fails to teach discarding a decoding key according to the playback state of the digital



medium which is obtained by the playback state obtaining means. Examiner disagrees.

Applicant further requests which elements of Ueda are being interpreted as corresponding to the key obtaining means, the decoding key, the key storage unit and the key holding means.

Examiner would direct the applicant to figure 14 and the corresponding paragraphs in column 21 and 22 of Ueda for further explanation of the claim limitations. Disk drive 509 (i.e., key storage unit) performs mutual authentication with AV decoder card 507 (i.e., key holding means) to obtain decoding key (for example title key) for encrypting/decrypting content [see for example column 22, lines 42-64]. Examiner would also point out that Aizawa teaches an information reproducing method and apparatus [column 3, lines 40-54] including erasing decoding keys after information has been produced [column 5, lines 12-38] and employing the teachings of Aizawa within the system of Ueda meets the claimed limitations. Therefore the rejection is respectfully maintained.

8. Applicant's arguments, with respect to claim 2 has been fully considered and are persuasive, therefor the rejection has been withdrawn.

### ***Conclusion***

9 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

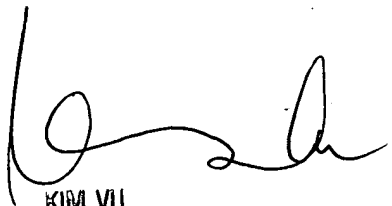


Art Unit: 2135

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

July 22, 2005



KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100